

BEFORE THE DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the
Accusation Against:

HAROLD LEADER, M.D.
License No. C-16572

Respondent.

NO. D-3533

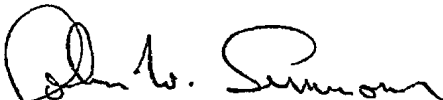
DECISION

The attached Stipulation is hereby adopted by the Division of Medical Quality of the Board of Medical Quality Assurance as its Decision in the above-entitled matter.

This Decision shall become effective on June 2, 1987.

IT IS SO ORDERED June 2, 1987.

DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE


JOHN W. SIMMONS
Secretary-Treasurer

ORIGINAL

1 JOHN K. VAN DE KAMP, Attorney General
2 of the State of California
3 WILBERT E. BENNETT
4 Supervising Deputy Attorney General
5 6000 State Building
6 San Francisco, California 94102
7 Telephone: (415) 557-0503
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9 Attorneys for Complainant
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BEFORE THE
BOARD OF MEDICAL QUALITY ASSURANCE
DIVISION OF MEDICAL QUALITY
STATE OF CALIFORNIA

11 In the Matter of the Accusation)
12 Against:)
13 HAROLD LEADER, M.D.)
14 8965 Calvine Road)
15 Sacramento, CA 95829)
16 License No. C-016572,)
Respondent.)

No. D-3533

SURRENDER OF CERTIFICATE
OF LICENSURE PURSUANT
TO STIPULATION

17 IT IS HEREBY STIPULATED by and between
18 Harold Leader, M.D., the respondent in this proceeding, and the
19 Board of Medical Quality Assurance, Division of Medical Quality,
20 by and through its attorney, Wilbert E. Bennett, Supervising
21 Deputy Attorney General, as follows:

22 1. That Accusation No. D-3533 is presently pending
23 against respondent in the above-entitled matter.

24 2. That respondent was duly served by registered mail
25 with the accusation, statement to respondent, and notice of
26 defense in the above-entitled matter, as required by law.

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1 3. That respondent understands the nature of the
2 charges alleged in the above-mentioned pending accusation as
3 constituting possible grounds for disciplinary action against his
4 physician's and surgeon's certificate. (A copy of said
5 accusation is attached hereto as Exhibit A.)

4. That respondent is fully aware of his right to a hearing on the charges and allegations contained in the above-mentioned pending accusation.

9 5. That respondent fully and voluntarily waives his
10 right to a hearing on the charges and allegations contained in
11 the above-mentioned pending accusation and that he further agrees
12 to waive his right to reconsideration, judicial review, and any
13 and all other rights which may be accorded him by the
14 Administrative Procedure Act and the laws of the State of
15 California.

6. That respondent admits the truth of each and every allegation contained in the accusation and stipulates that, accordingly, cause for discipline exists against his physician's and surgeon's certificate, as is set forth in the accusation.

20 7. That respondent desires to and hereby agrees to
21 surrender voluntarily his physician's and surgeon's certificate
22 to the Board of Medical Quality Assurance, Division of Medical
23 Quality, thereby relinquishing his right to practice medicine in
24 California.

25 8. That respondent agrees not to seek renewal,
26 restoration, reissuance, or reinstatement of his surrendered

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1 respondent's physician's and surgeon's certificate should it be
2 returned to him.

3 DATED: 4/28/87

4 JOHN K. VAN DE KAMP
5 Attorney General

6 Wilbert E. Bennett
7 WILBERT E. BENNETT
8 Supervising Deputy Attorney General

9 I hereby certify that I have read this stipulation and
10 agreement in its entirety, that I am aware of the legal
11 significance and consequences thereof, that I fully understand
12 all of same and in witness thereof I affix my signature.

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14 DATED: 3/26/87 Harold Leader M.D.
15 HAROLD LEADER, M.D.
16 Respondent
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1 JOHN K. VAN DE KAMP, Attorney General
of the State of California
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5 Attorneys for Complainant
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7

8 BEFORE THE
9 BOARD OF MEDICAL QUALITY ASSURANCE
DIVISION OF MEDICAL QUALITY
10 STATE OF CALIFORNIA

11 In the Matter of the Accusation)
Against:)

12 HAROLD LEADER, M.D.)
13 2614 Buchanan Street)
San Francisco, CA 94115)
14 License No. C-016572,)

NO. D-3533

ACCUSATION

15 Respondent.)
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17 KENNETH J. WAGSTAFF, complainant, charges and alleges
18 as follows:

19 1. He is the Executive Director of the Board of
20 Medical Quality Assurance, Division of Medical Quality, State
21 of California, and makes these charges and allegations in his
22 official capacity and not otherwise.

23 2. On or about January 3, 1955, respondent Harold A.
24 Leader, M.D. (hereinafter referred to as "respondent") was
25 issued physician and surgeon certificate number C-016572. The
26 aforementioned certificate has continued in full force and effect
27 at all times material hereto.

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EXHIBIT A

1 3. Business and Professions Code sections
2 2227 and 2234 provide, in pertinent part, that the Division of
3 Medical Quality shall take disciplinary action against any
4 licensee who is guilty of unprofessional conduct.

5 4. Business and Professions Code section 2234 provides,
6 in pertinent part, that unprofessional conduct includes, but is
7 not limited to the following: . . . (b) Gross negligence . . .
8 and (d) Incompetence.

9 FOR A CAUSE FOR DISCIPLINARY ACTION

10 5. Respondent has been guilty of unprofessional
11 conduct pursuant to Business and Professions Code sections
12 2234(b) (gross negligence) and 2234(d) (incompetence), thereby
13 providing grounds for disciplinary action under sections
14 2227 and 2234 of said Code, as follows:

15 On or about August 21, 1983, respondent rendered
16 medical care and treatment to patient F.W., whom he examined at
17 Kaiser Foundation Hospital, Hayward, California, after referral
18 from the Hospital Emergency Room. After said examination,
19 respondent released the patient to home while noting in the
20 patient's chart "no need for hospitalization at this time".
21 On the same day, said patient collapsed soon after his return
22 home and was readmitted for hospitalization at Washington
23 Township Hospital, Fremont, California, where he expired on
24 August 22, 1983, with the cause of death indicated as "septic
25 shock due to perforated rectal carcinoma with abdominal wall
26 abscess".

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Respondent was grossly negligent and/or incompetent in the care and treatment of patient F.W. in that respondent failed to recommend hospitalization of said patient for diagnostic procedures, monitoring, biopsy, and treatment, although said patient was in a life-threatening medical condition, had a recent episode of syncope and a recent history of rectal bleeding, and had a hard, irregular mass in the rectal area just within the internal sphincter, which is practically diagnostic of carcinoma.

WHEREFORE, it is prayed that a hearing be held to suspend or revoke respondent's physician's and surgeon's certificate and to take such other action as is deemed just and proper.

DATED: August 11, 1986.

KENNETH J. WAGSTAFF
Executive Director
Board of Medical Quality Assurance

Complainant

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